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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,115	12/09/2003	Joseph S. Nadan	N0050.0000/P001	4330
24998 DICKSTEIN SI	7590 05/14/200 HAPIRO LLP	EXAMINER		
1825 EYE STR	EET NW		ERB, NATHAN	
Washington, DO	20006-5403		ART UNIT	PAPER NUMBER
			3628	
			MAIL DATE	DELIVERY MODE
			05/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)			
Office Action Summary		10/730,115	NADAN, JOSEPH S.			
		Examiner	Art Unit			
		NATHAN ERB	3628			
Period fo	The MAILING DATE of this communication apports. The MAILING DATE of this communication apports.	pears on the cover sheet with the	correspondence address			
WHIC - Exter after - If NC - Failu Any r	CORTENED STATUTORY PERIOD FOR REPLEHEVER IS LONGER, FROM THE MAILING DOSING INTERPRETATION OF THE MAILING DOSING INTERPRETATION OF THE MAILING DOSING (6) MONTHS from the mailing date of this communication. The period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statute the ply received by the Office later than three months after the mailing dopatent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION (136(a). In no event, however, may a reply be twill apply and will expire SIX (6) MONTHS from (6), cause the application to become ABANDON	N. imely filed in the mailing date of this communication. ED (35 U.S.C. § 133).			
Status						
1)	Responsive to communication(s) filed on <u>09 D</u>	December 2003				
′=	This action is FINAL . 2b) ☐ This action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
٥,١	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
	Claim(s) <u>1-35</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
•	Claim(s) is/are allowed.					
	Claim(s) is/are rejected.					
	Claim(s) is/are objected to.					
8) 🔀	Claim(s) <u>1-35</u> are subject to restriction and/or	election requirement.				
Applicati	on Papers					
9)□	The specification is objected to by the Examine	er.				
10)	The drawing(s) filed on is/are: a) acc	cepted or b) objected to by the	Examiner.			
	Applicant may not request that any objection to the	drawing(s) be held in abeyance. Se	ee 37 CFR 1.85(a).			
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11)	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority u	ınder 35 U.S.C. § 119					
a)[Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Burea see the attached detailed Office action for a list	ts have been received. ts have been received in Applica rity documents have been receiv u (PCT Rule 17.2(a)).	tion No ved in this National Stage			
2) Notic 3) Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	4) Interview Summar Paper No(s)/Mail I 5) Notice of Informal 6) Other:	Date			

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DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-20, drawn to a computer-based system for storing drayage resource data, receiving queries of that data, and retrieving drayage resource data in response to the queries, classified in class 707, subclass 104.1.
- II. Claim 21-35, drawn to a process of gathering and storing data from drayage community participants and identifying data matching drayage resource queries, classified in class 705, subclass 1.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process II as claimed can be practiced by hand. For example, the gathered data can be written down and stored in a notebook or even stored in a person's mind. Queries can be considered and matched to data by a person versus data in such a notebook or a person's mind.
- 3. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above <u>and</u> there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

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(a) the inventions have acquired a separate status in the art in view of their different classification;

- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include

(i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

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Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN ERB whose telephone number is (571)272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Erb Examiner Art Unit 3628

Nhe

/JOHN W HAYES/ Supervisory Patent Examiner, Art Unit 3628